

Docket No. 0229.99

PATENT

Response to Restriction Requirement dated May 16, 2003

Reply to Office Action of April 22, 2003

**REMARKS/ARGUMENTS**

**Response to the Restriction Requirement**

Applicants hereby provisionally elect Group I. "Claims 1-7 and 10, drawn to a nucleic acid, a host cell containing the nucleic acid and a method of making a polypeptide using the host cell, classified in class 435, subclass 189, 252.3 and class 536, subclass 23.2."

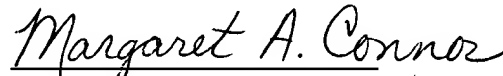
**In the Claims**

Claims 8-9 have been withdrawn as subject to a restriction requirement. The text of these claims has been re-presented in the Claim Listing in view of the statements of Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy, U.S. Patent & Trademark Office, at the May 13, 2003 symposium "The Patent Office Comes to California," that the Final rule regarding Revised Amendment Practice will probably require this.

Applicants expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

If the Examiner has any questions or comments, the undersigned attorney earnestly requests a telephone conference.

Respectfully submitted,



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Enclosure:

Postcard Receipt